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Not Above the Law

Washington is finally beginning to get the idea that government should operate within the law, not above it. This apparently was something J. Edgar Hoover never subscribed to. In his day, far from being criticized for their bag jobs, FBI agents were awarded medals for them.

As cases involving the CIA and military intelligence have shown in recent weeks, the same philosophy—that the ends justified any means—was shared throughout the service. Called on the carpet for illegally spying on domestic groups rather than operating strictly outside the country, the CIA did not bring charges against any of its agents on the ground that "you cannot indict an era." This is also the position of Naval Intelligence. Although the CIA's Admiral Stansfield Turner has not issued a specific order, he has made it clear that all future abuses are expected to be reported and dealt with immediately.

The various military intelligence agencies have received new orders from Defense Secretary Harold Brown, who has told them that their operations must be conducted strictly within the law. Brown's order strengthens the hand of the Inspector General for Defense Preparedness and should go a long way toward insuring that the defense secretary won't be forced to spend time "mired in the intelligence nightmare of previous administrations."

The Defense Department's stand on intelligence is far more strict and to the point than the actions taken by the other agencies. Brown has spelled out exactly what rules the agents must follow to avoid infringements of the rights of U.S. citizens. Attorney General Griffin B. Bell, still formulating policy, has asked FBI agents to inform him what sort of investigative techniques have been used in the past in order to determine whether break-ins and mail-openings were unusual activities or common practice.

Both Bell and Admiral Turner leave more to the discretion of the agent. In view of their indiscreet behavior in the past, perhaps they should follow Brown's example of setting up rules to prevent any misunderstanding over civil rights.